

2014 Belmont Annual Town Meeting Warrant

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**TOWN OF BELMONT
WARRANT FOR 2014 ANNUAL TOWN MEETING
MAY 5, 2014
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To either of the Constables in said County:

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the Inhabitants of the Town of Belmont, qualified as the law requires to vote in elections and Town Affairs, to meet at the Belmont High School Auditorium on **MONDAY, MAY 5, 2014, at 7:00 P.M.**, and to notify and warn the Town Meeting Members to meet and act at said time and place on the following Articles, viz:

ARTICLE 1:

REPORTS

To hear the report of the Selectmen and other Town Officers. To hear the report of any Committee heretofore appointed and to act thereon.

This article accepts the reports of Town departments appearing in the Annual Town Report and allows the Board of Selectmen and other Town officers, boards and committees to report orally to the Town Meeting on appropriate matters not otherwise appearing on the Warrant. This article stays "on the table" throughout the Town Meeting to allow Town officials and committees to report when necessary.

Majority vote required for passage.

Yes_____ No_____

ARTICLE 2:

AUTHORIZATION TO REPRESENT THE TOWN'S LEGAL INTERESTS

To see if the Town will authorize the Selectmen to bring and defend actions for and against the Town, to submit any such claims to arbitration and to enter into settlement on account of the same in behalf of the Town, as and when they deem it for the best interest of the Town to do so, or in any way act thereon.

This article is traditional and authorizes the Board of Selectmen to represent the Town's legal interests. This authority is clearly identified in the Massachusetts General Laws and the General Bylaws of the Town of Belmont.

Majority vote required for passage.

Yes_____ No_____

**ARTICLE 3: AMENDMENT TO MINUTEMAN REGIONAL VOCATIONAL HIGH SCHOOL
REGIONAL AGREEMENT**

To see if the Town will vote, consistent with Section VII of the existing "Agreement With Respect to the Establishment of a Technical and Vocational Regional School District" for the Minuteman Regional Vocational School District, to accept the amendments to said Agreement which have been initiated and approved by a vote of the Regional School Committee on March 11, 2014 and which have been submitted as restated "Regional Agreement" bearing the date of March 11, 2014 to the Board of Selectmen of each member town prior to its vote on this article, or in any way act thereon.

(Submitted by the Regional School Committee)

This article seeks to make amendments to the Minutemen Regional Vocational High School Agreement. The Agreement was last amended in 1980. These amendments require passage by all member communities (16 total) in order to take effect.

Summary of Proposed Amendments:

- *Uses a four-year rolling average where student enrollment is a factor in determining the annual operating and capital assessment in place of the single year figure;*
- *Introduces a weighted voting methodology for most School Committee actions;*
- *Authorizes the Regional School Committee to negotiate terms of the capital assessment for new member communities;*
- *Establishes a revised procedure for withdrawing from the District;*
- *Revises the formula by which annual capital costs are assessed; and*
- *Changes the method for authorizing debt, which would allow a community not supporting the debt to withdraw from the District.*

Belmont's Regional School Committee Representative and the Warrant Committee will report orally on this article.

Majority vote required for passage.

Yes_____ No_____

ARTICLE 4: USE OF PUBLIC LAND BYLAW – LONE TREE HILL, BELMONT CONSERVATION LAND

To see if the Town will vote to amend the General Bylaws by inserting a new Article 10, Use of Town Property, as follows:

ARTICLE 10

Use of Town Property

§ 60-1000: Lone Tree Hill Conservation Land.

A. Intent and Purpose.

This Section is adopted for the purpose of preserving and protecting the portion of the Lone Tree Hill property (the "Property"), formerly known as the McLean Open Space, currently owned by the Inhabitants of the Town of Belmont and managed by the Town of Belmont Land Management Committee (the "Committee") pursuant to a Quitclaim Deed from The McLean Hospital Corporation to The Inhabitants of the Town of Belmont, and Conservation Restrictions B-1 and B-2, each on file with the

Middlesex County South Registry of Deeds at Book 45478, Page 283 (Deed) and Book 45375, Page 258 (Conservation Restriction B-1) and Book 45375, Page 275 (Conservation Restriction B-2). By preserving and protecting the Property, this Section promotes the public welfare by ensuring the safety of visitors, protecting the land and resident wildlife, and preserving passive recreation spaces within the Town consistent with the above-referenced documents. This Section shall be interpreted in furtherance of the intents and purposes described in this Subsection.

B. Permitted Uses.

(1) Hours. The public shall be permitted to use the Property for passive recreation on designated trails from dawn until dusk. The public shall observe seasonal closings and other restrictions as established by the Committee.

(2) Dogs. The public shall be permitted to bring dogs onto the Property, provided that those dogs remain on leashes measuring 6 feet or less. Members of the public shall remove all feces created by their dogs on the Property.

(3) Bicycles. The public shall be permitted to ride bicycles on the Property, provided however those bicyclists shall:

- (a) Use only trails designated by the Committee as "shared use";
- (b) Permit pedestrians to have the right of way; and
- (c) Use appropriate caution and speed on trails to promote safe use.

(4) Other Uses Permitted by the Committee. The Committee may permit the public to use the Property in other ways with prior Committee permission.

C. Prohibited Uses.

(1) Trails. The public shall not deviate from trails on the Property.

(2) Animals and Natural Materials. The public shall not physically disturb animals, vegetation, or natural materials on the Property in any manner.

(3) Trash. The public shall not litter on the Property and shall remove all items brought on to the Property upon departure.

(4) Other Prohibited Uses. The public shall not engage in any of the following activities on the Property:

- (a) Use of motorized vehicles;
- (b) Dumping of trash or other refuse;
- (c) Use or creation of fires;
- (d) Smoking;
- (e) Possession or use of alcohol;
- (f) Camping or use of a tent;
- (g) Creation of construction of any temporary or other structure;
- (h) Hunting;
- (i) Ball playing or other active recreation including, but not limited to, baseball, soccer, football, or Frisbee;
- (j) Throwing of stones, snowballs, sticks, or other missiles;
- (k) Flying kites or other objects; or
- (l) Possession, shooting or use of an airgun, bow and arrow, slingshot or other similar device.

D. Enforcement.

Violations of this Section shall be punishable by a fine of \$50 for each offense.

In addition to the provisions for enforcement set forth elsewhere in this Section, the provisions of this Section may also be enforced by non-criminal disposition as provided in MGL c. 40, § 21D ("Section 21D"). The penalty for such violation shall be \$50 for each offense. Each day or part thereof shall constitute a separate offense.

- (1) An Enforcing Person taking cognizance of a violation of this Section may, as an alternative to instituting criminal proceedings, give the offender written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D. The provisions of § 21D are incorporated herein by this reference.
- (2) "Enforcing Person" as used in this Subsection shall mean any police officer of the Town or any other Town employee designated by the Board of Selectmen as an Enforcing Person.

or in any way act thereon.

(Submitted by Land Management Commission for Lone Tree Hill, Formerly McLean Open Space)

This article sets forth permitted uses and prohibitions on the Lone Tree Hill Conservation Land. It provides the Police Department with the authority to enforce the provisions of this Bylaw and if necessary issue tickets for violations.

The Bylaw Review Committee will report orally on this Article.

Majority vote required for passage.

Yes_____ No_____

ARTICLE 5: AMEND GENERAL BYLAWS FOR "CRIMINAL HISTORY CHECKS", § 60-905

To see if the Town will vote to amend § 60-905 of the General Bylaws to correct clerical errors as follows:

By striking §60-905 E (2) and replacing it with the following:

§ 60-905 E (2):

In determining whether to recommend the applicant as fit for the License, the officer shall consider whether any entry in the records constitutes an automatic disqualification from the occupation. The officer shall also consider how the following convictions or pending criminal cases bear specifically upon the applicant's fitness or ability to serve in the occupation for which he or she is seeking a license:

- (a) any felony,
- (b) any offense related to unlawful sexual conduct,
- (c) the distribution or possession with intent to distribute a controlled substance,
- (d) any misdemeanor involving as an element the use or threatened use of force,
- (e) any misdemeanor involving the unlawful taking or receipt of property, or attempts to do so, and
- (f) any other relevant crime

In addition, the officer conducting the check shall consider whether the person is registered as a sex offender.

And, by striking § 60-905F (3) and replacing it with the following:

The Licensing Authority will consider the information provided pursuant to this Section and other information relevant to the applicant's fitness.

or in any way act thereon.

(Submitted by the Police Chief and the Board of Selectmen)

This article seeks to correct clerical errors.

The Bylaw Review Committee will report orally on this Article.

Majority vote required for passage.

Yes____ **No**____

ARTICLE 6:

**CITIZENS' PETITION - DELETE GENERAL BYLAW
§ 60-800 I. "RESIDENTIAL SNOW REMOVAL"**

To see if the Town will vote to strike from its General Bylaws Section 60-800 Subsection I, "Residential Snow Removal," and that the Bylaw Review Committee renumber Section 60-800 according to the requirements of the General Bylaws of the Town of Belmont, or in any way act thereon.

(Submitted by Eric Anderson)

This article is submitted in the exact form as provided by the Citizens.

The Bylaw Review Committee will report orally on this Article.

Majority vote required for passage.

Yes____ **No**____

ARTICLE 7:

CITIZENS' PETITION – NEW GENERAL BYLAWS REGARDING YARD SALES

To see if the Town will vote to amend Chapter 60 of the General Bylaws by adding a new Article 9 thereto as follows:

**ARTICLE 9
Yard Sales, Garage Sales and Tag Sales**

§ 60-905 Purpose

The purpose of this Article is to continue to allow private citizens, civic groups and neighborhood groups to conduct yard sales, garage sales and tag sales, so long as they are carried out in a manner that does not create violations of Town Bylaws and is respectful of neighbors. Neighboring residents' willingness to tolerate these sales cheerfully can be expected only if they take place infrequently.

§ 60-905 Application

A. Any person or group intending to hold a yard sale, garage sale or tag sale shall obtain a permit therefor from the Town Clerk. No more than three permits per calendar year may be issued for yard

sales, garage sales or tag sales at a single address. Copies of the issued permit shall be sent to the Police Department.

B. Any person or group holding a yard sale, garage sale or tag sale shall take appropriate steps to avoid traffic congestion and unsafe parking conditions, unreasonable noise or other neighborhood nuisance.

C. A single yard sale, garage sale or tag sale may be held over the course of a Saturday and Sunday in a single weekend. Sale hours shall not commence before 8:30 am and shall end by 5:30 pm. All unsold items or objects from the sale shall be stored out of public view by 6:00 pm.

D. All signs erected or posted in connection with a yard sale, garage sale or tag sale shall be promptly removed upon the completion of the sale.

E. If it is substantiated that a person or group is holding a yard sale, garage sale or tag sale without a permit issued pursuant to this Section, the Belmont Police shall be authorized to order the sale to be shut down immediately. Thereafter, any person or group attempting to reestablish the sale at the same address during the calendar year without a permit shall be subject to a fine of \$300 for each violation.

F. The Belmont Police are authorized to enforce this Section by issuing non-criminal citations as provided in M.G.L. c. 40, § 21D. The penalty for any violation of this Section shall be \$50 for each offense.

or in any way act thereon.

(Submitted by Stephen Ganak)

This article is submitted in the exact form as provided by the Citizens.

The Bylaw Review Committee will report orally on this Article.

Majority vote required for passage.

Yes_____ No_____

ARTICLE 8:

AMEND GENERAL BYLAWS FOR “ANIMALS”, § 60-200

To see if the Town will vote to amend Chapter 60, Article 2 of the General Bylaws Section 60-200 “Pets and Other Animals” and Section 60-205 “Kennels” and that the Bylaw Review Committee renumber according to the requirements of the General Bylaws of the Town of Belmont:

ARTICLE 2 Animals

§ 60-200. Pets and other animals.

- A. Licensing of dogs and cats. No person shall own or keep a dog or cat, six months of age or older, within the Town unless a license for such dog or cat is obtained from the Town Clerk. The license period shall be from January 1 through December 31; provided, however, that all applications for license renewals shall be submitted by March 15 of each year, or the licensee may be subject to late fees. Non-refundable license and late fees shall be established from time to time by the Town Clerk, unless Town Meeting approval is required pursuant to MGL c. 140, § 139 or other applicable law. License fees for dogs and cats owned or kept by residents who are age 60 or older shall be at a discounted rate of at least 25% less than the established fee. All license fees shall be waived for dogs and cats that serve as service animals as defined by the

Americans with Disabilities Act or regulations promulgated thereunder. Not more than three dogs over three months of age shall be kept in any household without complying with the kennel licensing provisions set forth in § 60-205. All dogs and cats are required to wear their license tags at all times.

- (1) No dog or cat six months of age or older shall be licensed unless a valid rabies vaccination certificate is presented to the Town Clerk at the time of licensing.
 - (2) No dog or cat six months of age or older shall be licensed unless there is presented to the Town Clerk at the time of licensing either:
 - (a) Proof that the dog or cat has been spayed or neutered;
 - (b) A statement signed by a veterinarian stating why spaying or neutering has been delayed; or
 - (c) A statement signed by the owner or keeper of the dog or cat that a decision has been made not to spay or neuter the dog or cat.
 - (3) A special breeder's license shall be obtained for any dog or cat with respect to which a statement is presented that a decision has been made not to spay or neuter pursuant to § 60-200(A)(2)(c).
- B. The owner of any dog or cat that is sold or given away, or whose custody is otherwise transferred, to any other resident of the Town shall obtain from the Town Clerk and furnish to such other resident a copy of this Section of the General Bylaws or a summary thereof.
- C. No person who owns, keeps or controls a dog shall allow the dog to run free when not restricted to the premises of said person, except as permitted by the Board of Health. Except as otherwise provided in this Section, such dogs shall be leashed and curbed when off such premises.
- D. Removal of feces.
- (1) Each person who owns, keeps or controls a dog within the Town shall remove and dispose of any feces left by such dog on any sidewalk, street, park or other public area or on any private property that is not owned or lawfully occupied by such person.
 - (2) No person who owns, keeps or controls a dog within the Town shall permit such dog to be on any sidewalk, street, park or other public area unless such dog is accompanied by a person carrying a device that is suitable for picking up and containing feces, unexposed to such person and to the general public.
 - (3) For purposes of this Subsection, feces may be disposed of only at a place suitable and regularly reserved for the disposal of human feces or otherwise designated as appropriate by the Board of Health.
 - (4) Paragraphs (1), (2) and (3) of this Subsection shall not apply to a dog accompanying any person who, by reason of a handicap, is physically unable to comply with its requirements.
- E. No person within the Town shall possess, maintain, propagate, cultivate or deal in wild or exotic animals within the meaning of MGL c. 131, § 23, unless notice thereof has been filed with the Board of Health and all permits required by said § 23 or otherwise have been obtained.

- F. No person within the Town shall feed any wild animals, including, without limitation, ducks, geese and raccoons, or any homeless dogs or cats, except birds through freestanding bird feeders or bird feeders attached to a private residence. Persons feeding their own domestic animals shall do so only in a sheltered space inaccessible to wild or roaming animals. This Subsection shall not apply to the feeding of homeless dogs or cats if done in a sheltered place inaccessible to wild or roaming animals with the express purpose of befriending the dog or cat in order later to have it vaccinated, spayed or neutered, and ultimately adopted.
- G. Nuisance or Dangerous Dogs or Other Animals.
- (1) No person shall permit any dog, cat or other household pet that by biting, barking, howling, scratching or crying, or in any other manner, disturbs the peace and quiet of any neighborhood, destroys private property, endangers the safety of any person, or otherwise acts as a nuisance or dangerous dog as defined by MGL c. 140, § 136A.
 - (2) The Animal Control Officer, or any other Town officer tasked with the enforcement of this Section, shall respond to complaints and reports of a violation of Paragraph (1) of this Subsection.
 - (3) All bites by dogs, cats, other domestic animals or wild or exotic animals shall be reported to the Board of Health and the Animal Control Officer by the person bitten or by the owner or keeper of the animal, as soon as possible after the incident.
 - (4) Any person, including the Animal Control Officer, may make a complaint to the Board of Health, the Town's Hearing Authority pursuant to MGL c. 140, concerning a nuisance or a dangerous dog as defined by MGL c. 140, § 136A. Upon the receipt of such a complaint, the Board of Health shall conduct a public hearing to gather evidence and testimony with respect to the allegation made in the complaint. At the close of the public hearing and after deliberation, the Board of Health may dismiss the complaint, or deem the dog a nuisance or dangerous dog. If the Board of Health deems the dog a nuisance or a dangerous dog, it may order any of the remedies available to it under MGL c. 140, § 157.
- H. The operator of a motor vehicle that strikes and injures or kills a dog or cat within the Town shall report such incident to the owner or keeper of such dog or cat or to a police officer of the Town.
- I. Except as the Board of Health may otherwise permit, no dogs, except those dogs that serve as service animals as defined by regulations issued pursuant to the American with Disabilities, 28 CFR § 35.104, will be allowed in the following areas of the Town: all cemetery land, all public school playgrounds and athletic fields and all Recreation Department playgrounds and athletic fields. Nor may any dog be allowed inside food establishments, retail businesses or public buildings.
- J. Violations of this Section shall be disposed of, in the discretion of the Board of Health, either in the manner provided in § 40-220E or, if applicable, pursuant to the provisions of MGL c. 140, § 173A. For all violations of this Section other than violations of the licensing Subsections, a noncriminal citation will be issued on the following schedule: first offense, written warning; second offense, \$25; third offense and each succeeding offense occurring within a twelve-month period, \$50. Any violation of the licensing Subsections shall result in a fine of \$50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of \$100 per such violation. The fines specified in this Subsection shall be in lieu of the schedule of fines specified in MGL c. 140, § 173A.

§ 60-205. Kennels.

- A. Definitions. As used in this Section, the following words and terms have the following meanings:

KENNEL — A pack or collection of dogs on a single property, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel, as defined in MGL c. 140, § 136A .

KENNEL INSPECTOR — The Town's Animal Control Officer, the Police Chief, or such other qualified party as may be designated by the Board of Selectmen.

KENNEL LICENSE — An annual license permitting a Kennel to operate within the Town, issued to a Kennel that has demonstrated compliance with the requirements of this Section.

LICENSE PERIOD — The time between January 1 and the following December 31, both dates inclusive.

- B. Licenses; Fees; Requirements; Violations.

- (1) No person shall operate a Kennel within the Town without first obtaining a Kennel License from the Town Clerk in accordance with the provisions of this Section. Possession of a Kennel License shall not demonstrate compliance with any other provision of the Bylaws of the Town of Belmont.
- (2) The Town Clerk shall determine the amount of the non-refundable fee for a Kennel License for each License Period. The Town Clerk may charge an increased fee for applications for Kennel License renewals received after March 15 for that License Period.
- (3) The location and operation of any Kennel shall be appropriate for housing the number of dogs allowable under the terms of its Kennel License and may not be detrimental to the health and safety of dogs or persons.
- (4) All Kennels shall be operated in a safe, sanitary, and humane condition, as provided in MGL c. 140, § 137C.
- (5) No Kennel may keep more than 25 dogs on the premises at any time. Dogs that are on the premises for grooming, but not for overnight boarding, or, for medical or surgical treatment or observation, shall not be counted in this number.
- (6) No Kennel may contract with security dog firms or other businesses to board protection or security dogs, or dogs in training to be protection or security dogs on the premises. A security dog kept on the premises for the Kennel's own security purposes is permitted.
- (7) Kennel operations, including the exercising of dogs, shall be in an indoor enclosed area, except that individual dogs may be exercised one at a time in a prescribed outdoor area.
- (8) Every Kennel shall at all times keep and maintain accurate records of the number and identities of all dogs kept on the premises, and the identities of persons who have purchased dogs from the Kennel.

- (9) In addition to the requirements of this Section, the provisions of § 60-200C and Article 6 of this Chapter shall apply to all Kennels.
- (10) Except as otherwise provided in this Paragraph, any violation of this Section shall result in a fine of \$50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of \$100 per such violation. A person maintaining a Kennel after the Kennel License therefor has been revoked, or while such Kennel License is suspended, shall be punished by a fine of not more than \$250. Violations shall be administered in accordance with the provisions of MGL c. 140, § 173A.

C. Application Process; License Issuance; Renewals.

- (1) Any person or entity seeking a Kennel License or renewal or reinstatement thereof shall complete and submit to the Town Clerk a Kennel License application, in a form prescribed by the Town Clerk. The application shall include a statement that the applicant acknowledges receipt of a copy of the provisions of this Section and agrees to comply with all applicable provisions.
- (2) Upon receipt of a completed application, the Town Clerk shall so notify the Kennel Inspector who shall forthwith conduct an inspection of the applicant's Kennel as provided in Subsection (D). The Town Clerk shall also give notice of the application to direct abutters to the proposed Kennel location and provide such abutters 14 days to submit written comments on the application.
- (3) The Town Clerk shall review the completed application, all comments received within 14 days of the notice to abutter given pursuant to Paragraph (2), and the Kennel Inspector's report. The Town Clerk shall determine whether the proposed Kennel is in compliance with the requirements of this Section and MGL s. 140, §§ 137C and 137D and, if so, shall issue a Kennel License to the applicant. If the Town Clerk finds that the proposed Kennel is not in compliance with such requirements, the Town Clerk shall deny the application and state the reasons for such denial.
- (4) Any application for renewal of a Kennel License shall be submitted to the Town Clerk on or before March 15 for that License Period.

D. Inspections. The Kennel Inspector, the Police Chief, the Board of Selectmen, or the Town's Animal Control Officer may at any time inspect a Kennel or cause the inspection of a Kennel to ascertain whether the Kennel complies with the requirements of this Section and applicable state statutes.

E. Suspension or Revocation of Kennel License; Reinspections.

- (1) If the Town Clerk denies a Kennel License application or renewal application, the applicant or Kennel License holder may request a reinspection of the proposed Kennel after reasonably demonstrating to the Kennel Inspector that the proposed Kennel has been brought into compliance with the requirements of this Section and applicable state statutes. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the proposed Kennel and make a report to the Town Clerk, who shall, within a reasonable time, review the application in accordance with Subsection (C). The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.

- (2) If the Kennel Inspector, Police Chief, Board of Selectmen, or the Town's Animal Control Officer inspects or causes to be inspected a Kennel and, in the judgment of the person or entity that performed the inspection, the Kennel operator is not maintaining the Kennel in compliance with this Section and applicable state statutes, then the Kennel Inspector, Police Chief, Board of Selectmen, or the Town's Animal Control Officer shall, by order, revoke or suspend the Kennel License, in accordance with MGL c. 140, § 137C.
- (3) If a Kennel License is suspended, the Kennel License holder may apply for reinstatement by requesting a reinspection of the Kennel after reasonably demonstrating to the Kennel Inspector that the Kennel has been brought into compliance with this Section and applicable state statutes, and that the License Holder has satisfied the terms of the suspension order. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the Kennel and make a report to the Town Clerk who shall, within a reasonable time, review the application in accordance with Subsection (C). The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.
- (4) If a Kennel License is revoked, the Kennel License holder may apply for a new Kennel License in accordance with Subsection C. The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.

F. Petitions to Declare a Kennel a Nuisance. Any group of 25 citizens may file a petition with the Board of Selectmen setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs maintained in the Town due to excessive barking or other conditions connected with a Kennel constituting a nuisance, as provided in MGL c. 140, § 137C. The Board of Selectmen shall request that the Kennel Inspector investigate and provide a report for the parties' review prior to the public hearing provided in MGL c. 140, § 137C.

or in any way act thereon.

(Submitted by the Board of Health)

This article seeks to bring the Town's kennel regulations into compliance with state law. It addresses licensing of dogs and cats, removal of feces, nuisance or dangerous dogs or other animals, and establishes processes for handling of same.

The Bylaw Review Committee will report orally on this Article.

Majority vote required for passage.

Yes_____ No_____

ARTICLE 9: ALLOW KENNELS BY SPECIAL PERMIT IN CERTAIN DISTRICTS

1. To see if the Town will vote to amend Section 1.4 of the Zoning By-Law, Definitions and Abbreviations, by inserting after the definition for 'Height, Building', the following definitions for 'Kennel' and for five (5) types of Kennels, 'Commercial Boarding or Training', 'Commercial Breeder', 'Domestic Charitable Corporation', and 'Personal', as follows:

Section 1.4, Definitions and Abbreviations

Height, Building - The vertical distance from the grade to:

- the highest point of the roof or parapet for flat or shed roofs;

- the midpoint between the lowest and highest points of the roof for gable, hip and gambrel roofs (upper roof pitch 4" per foot or greater); or
- the point of change in roof slope for mansard roofs (upper roof pitch under 4" per foot).

Kennel - A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

Kennel, Commercial Boarding or Training - An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under Section 39A of Chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

Kennel, Commercial Breeder – An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

Kennel, Domestic Charitable Corporation – A facility operated, owned or maintained by a domestic charitable corporation registered with the Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

Kennel, Personal – A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit.

Kennel, Veterinary – A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

2. To see if the Town will vote to amend Section 3.3 of the Zoning By-Law, Schedule of Use Regulations, in the 'Business' category, by inserting the new uses 'Kennels' and the four sub types of Kennels after the use 'Solar Energy System' and in the 'Accessory Uses' category insert the new use 'Personal Kennel' after the use 'Commercial provision for the care and recreation of dogs...' as follows:

3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR-A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
Solar Energy System	N	N	N	SP	SP	SP	SP	N
<u>Kennels (Commercial or Nonprofit):</u>								
➤ <u>Day Care - the provision of day time services for the care of animals that does not include overnight boarding.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>N</u>
➤ <u>Boarding</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>N</u>
➤ <u>Commercial Breeder</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
➤ <u>Veterinary</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Commercial provision for the care and recreation of dogs ... and minimize its impacts.	SP	N	N	N	N	N	N	N
<u>Personal Kennel</u>	<u>SP</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

or in any way act thereon.

(Submitted by the Planning Board)

This article was brought to the attention of the Planning Board by Town Counsel who was helping to draft the Animal Control General Bylaw. He argued that this would be an appropriate time to address the zoning associated with regulating kennels.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes_____ No_____

ARTICLE 10: CHANGE HOME OCCUPATION CERTIFICATE EXPIRATION

To see if the Town will vote to amend Section 3.4.2 of the Zoning By-Law, Home Occupations, by deleting the word 'three' in subsection i) and replacing it with the word 'four', as follows:

3.4.2 Home Occupations

- i) A Certificate of Occupancy is required prior to establishing a home occupation, or re-establishing one following termination, and shall be issued for a period of no greater than ~~three~~ four years, to be extended only following determination by the Building Inspector that the use continues to comply with the Zoning By-Law.

or in any way act thereon.

(Submitted by the Planning Board)

This article was requested by the Town Clerk in order to coordinate the expiration of Business Certificates and Home Occupation Certificates.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes_____ No_____

ARTICLE 11: ALLOW SHARED DRIVEWAYS BY SPECIAL PERMIT IN RESIDENTIAL DISTRICTS

1. To see if the Town will vote to amend Section 1.4 of the Zoning By-Law, Definitions and Abbreviations, by inserting after the definition for 'Development' a new definition for 'Driveway, Shared', as follows:

Section 1.4, Definitions and Abbreviations

Development – Any man-made change to improved or unimproved real estate, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Driveway, Shared – A driveway shared by adjacent property owners and privately owned and maintained.

2. To see if the Town will vote to amend Section 3.3 of the Zoning By-Law, Schedule of Use Regulations, in the 'Accessory Uses' category insert the new use 'Shared Driveway' after the use 'Solar Energy System', as follows:

3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
Solar Energy System (See §4.3.8)	Y	N	Y	Y	Y	Y	Y	Y
<u>Shared Driveway (See §5.1.3)</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	Y	Y	Y	Y	N

3. To see if the Town will vote to amend Section 5.1.3 of the Zoning By-Law, Parking and Loading Area Location and Design, by inserting a new subsection 'k) Shared Driveway', as follows:

- k) Shared Driveway. In accordance with Section 7.4, and the objectives, findings and determinations, and conditions for approval set forth below, the Planning Board, acting as the Special Permit Granting Authority (SPGA), may grant a Special Permit to allow a driveway on one lot to lead to a parking space on another lot, or to allow a driveway to straddle the lot line and provide access from one lot to a principal use on an adjoining lot on not more than two lots, when both lots are in a residential district(s) provided an easement is executed and is filed in the Registry of Deeds of Middlesex County. Where the Shared Driveway is located in a Cluster Development, pursuant to Section 6.5, for which a Special Permit with Site Plan Review is required, an additional Special Permit under this Section shall not be required.

1. Objectives

Any use of land involving the arrival, departure, or storage of motor vehicles shall be designed and operated to:

- a. Promote traffic safety by assuring adequate places for storing of motor vehicles off the street, and for their orderly access and egress to and from the public street;
- b. Increase the traffic-carrying capacity of streets and highways in the Town and obtain a more efficient utilization of on-street curbside parking;
- c. Reduce hazards to pedestrians upon public sidewalks;
- d. Protect adjoining lots and the general public from nuisances and hazards such as:
 - i) Noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles;
 - ii) A lack of visual relief from expanses of paving; and,
 - iii) Accelerated runoff of surface water from land covered by impervious materials;
- e. Maintain the character of the neighborhood and/or streetscape; and,
- f. Preserve historic walls, structures, and/or significant trees.

2. Findings and Determinations

Prior to granting a Special Permit, the SPGA shall make a finding and determination that the proposed Shared Driveway:

- a. Complies with the Special Permit criteria set forth in Section 7.4.3;
- b. Is consistent with the general purposes of this By-Law and its objectives;
- c. Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area;
- d. Does not result in the removal of mature trees or, where such trees are proposed to be removed, that the removal is mitigated through replanting or other means;
- e. Will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents on the site or in the surrounding area;
- f. Will not constitute a demonstrable adverse impact on the surrounding area resulting from:
 - i) Excessive noise, level of illumination, glare, dust, smoke, or vibration which is higher than levels now experienced from uses permitted in the surrounding area;
 - ii) Emission or discharge of noxious or hazardous materials or substances; or
 - iii) Pollution of waterways or groundwater; and,
- g. Will be maintained through a maintenance agreement mutually accepted by the subject property owners.

3. Conditions for Approval

The SPGA may impose conditions and limitations on the Special Permit for the Shared Driveway as it deems necessary to ensure that the findings and determinations that it must make under Section k) 2 above are complied with, including but not limited to:

- a. Screening or landscaping from view from adjoining lots or from a street, by planting, walls, fences or other devices;
- b. Regulating the number, design and location of access drives or other traffic features;
- c. Requiring a greater number of off-street parking spaces, and with greater setbacks, landscaping and screening than the minimum standards set forth in Section 5.3; and
- d. Such other limitation as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the Shared Driveway with the surrounding area.

or in any way act thereon.

(Submitted by the Planning Board)

This article was requested by the Director of Community Development. It will allow the Planning Board to grant Special Permits in certain circumstances provided that the driveway meets requirements within the By-Law.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes_____ No_____

ARTICLE 12:

CREATE MEDICAL MARIJUANA OVERLAY DISTRICT

1. To see if the Town will vote to amend Section 1.4 of the Zoning By-Law, Definitions and Abbreviations, by inserting after the definition for 'Premises' a new definition for 'Registered Marijuana Dispensary', as follows:

Section 1.4, Definitions and Abbreviations

Premises – A lot together with all structures, buildings, and uses thereon and including any water bodies and watercourses or parts thereof.

Registered Marijuana Dispensary (or "RMD") - also known as a Medical Marijuana Treatment Center, means a not-for-profit entity properly registered with the Massachusetts Department of Public Health under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

2. To see if the Town will vote to amend Section 3.3 of the Zoning By-Law, Schedule of Use Regulations, by inserting the new use 'Registered Marijuana Dispensary' after 'Solar Energy System', as follows:

3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
Solar Energy System	N	N	N	SP	SP	SP	SP	N
<u>Registered Marijuana Dispensary</u> (See § 6E)	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>N</u>	<u>SP</u>	<u>N</u>

3. To see if the Town will vote to amend the Zoning By-Law by inserting a new Section 6E, 'Medical Marijuana Overlay District', after a proposed new Section 6D, 'Single and Two Family Dwellings in the General Residence Zoning Districts', as follows:

Section 6E Medical Marijuana Overlay District

6E.1 Purpose

The purpose of the Medical Marijuana Overlay District (MMOD) is to provide for the placement of Registered Marijuana Dispensaries (RMD), as they are authorized pursuant to state regulations set forth at 105 CMR 725.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana, in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs.

6E.2 Authority and Establishment

The Planning Board shall be the Special Permit Granting Authority for a Registered Marijuana Dispensary.

The boundaries of the MMOD are shown on the Zoning Map on file with the Town Clerk and include the underlying Local Business II and General Business Districts. Within the MMOD, all requirements of the underlying districts remain in effect, except where these regulations provide an alternative to such requirements. Land within the MMOD may be used either for a RMD, in which case the requirements set forth in this Section shall apply or a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control.

Besides the zoning districts listed above, RMDs shall be allowed, subject to the provisions of this Section 6E, within the Belmont Uplands District. RMDs shall not be allowed within the McLean or the Cushing Square Overlay Districts.

6E.3 Use Regulations

- a. The building or buildings in which the RMD activities take place shall not be located within, on the same lot as, or on a lot immediately adjacent to a licensed pharmacy or within buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized

to prescribe the use of medical marijuana, which exist as of the effective date of this amendment to the Zoning By-Law.

- b. The RMD shall establish policies and procedures to ensure that no marijuana is smoked, eaten or otherwise consumed or ingested on the Premises.
- c. The hours of operation shall be set by the Planning Board, but in no event shall a RMD be open to the public, nor shall any sale or other distribution of marijuana occur upon the Premises or via delivery from the Premises, between the hours of 8:00 p.m. and 8:00 a.m.

6E.4 Physical and Locational Requirements

- a. All aspects of the RMD must take place at a fixed location within a fully enclosed building (including, but not limited to, loading, refuse and service areas), or in the case of cultivation within a locked, limited access area in compliance with CMR 725.15(B)(1)(c), and shall not be visible from the ground outside the enclosure. Outside storage of marijuana, related supplies, or educational materials is prohibited. Notwithstanding the foregoing, all areas, in which the sales of marijuana products take place, must be visible through appropriate windows from public places.
- b. All buildings housing RMDs shall be ventilated in such a manner that:
 - i. Pesticides, insecticides or other chemicals or products used in the cultivation or processing shall not be dispersed into the outside atmosphere; and,
 - ii. Odor from marijuana or its processing shall not be detected at the exterior of the RMD building or at any adjoining use or property.
- c. Signage determined to be sufficient by the Planning Board shall be displayed in plain sight of clients at the entrance of the RMD facility stating that 'Registration Card Issued by the MA Department of Public Health Required' in text two inches in height.
- d. RMD facilities may not be located within 300 feet of the following uses, but only if the uses exist as of the effective date of this amendment to the Zoning By-Law:
 - 1. A dwelling unit;
 - 2. School, including a public or private elementary or secondary school, or child care facility;
 - 3. Playground, public park, athletic field, or building used for athletic activities and events; or,
 - 4. Library, public swimming pool or similar facility in which minors congregate.
- e. The distance under this Section is measured in a straight line from the nearest point of the lot line of the protected uses identified in Section 6E.4 d. to the nearest point of the building in which the RMD is located.

6E.5 Application

In addition to the materials required under Section 7.4.4 of the Zoning By-Law, the application for a Special Permit RMD shall include:

- a. Disclosure Statement - A notarized statement signed by the organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than

persons, the Applicant must disclose the identity of all such responsible individual persons for such entity;

- b. Description of Activities - A narrative describing the type and scale of all activities that will take place on the proposed site, including, but not limited to cultivating and processing of marijuana or marijuana infused products, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities;
- c. Floor Plans - a floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of marijuana-infused products;
- d. Site Plans – A plan or plans depicting all proposed development on the property, including the dimensions of the building, the layout of parking, the location of pedestrian and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design;
- e. Service Area - A map and narrative describing the area proposed to be served by the RMD and the anticipated number of clients that will be served within that area. This description shall indicate where any other RMD exists or have been proposed within the expected service area;
- f. Transportation Analysis - a quantitative analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site;
- g. Context Map – a map depicting all lots and land uses within a 500 foot radius of the Premises, including but not limited to all of the protected uses identified in Section 6E.4 d. above;
- h. Building Elevations and Signage – Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used;
- i. Registration Materials: Copies of registration materials issued by the Massachusetts Department of Public Health for the purpose of seeking registration, to confirm that all information provided to the Planning Board is consistent with the information provided to the Massachusetts Department of Public Health:
 - 1. Its registration as an RMD;
 - 2. Proposed waste disposal procedures; and,
 - 3. A description of any waivers from DPH regulations issued to the RMD; and,
- j. Letters from the Police and Fire Departments indicating that they have reviewed the application materials and approve the safety and security measures of the RMD.

6E.6 Special Permit Criteria

In granting a Special Permit for a RMD, in addition to the general criteria for issuance of a Special Permit as set forth in Section 7.4.3 of this Zoning By-Law, the Planning Board shall find that the following criteria are met:

- 1. The RMD is located to serve an area that currently does not have reasonable access to medical marijuana, or if it is proposed to serve an area that is already served by other RMD, it has been

established by the Massachusetts Department of Public Health that supplemental service is needed.

2. The RMD meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
3. The Premises have been designed to be compatible with other buildings in the area and to mitigate any adverse visual or economic impacts that might result from required security measures and restrictions on visibility into the building's interior.
4. The RMD provides a secure indoor waiting area for individuals and clients.
5. The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.
6. Traffic generated by client trips, employee trips, deliveries to and from the RMD, and parking and queuing especially during peak periods at the RMD, shall not create a substantial adverse impact on nearby residential uses.

6E.7 Special Permit Conditions

The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, air quality, and preserve the character of the surrounding area and otherwise serve the purpose of this Section. In addition to any specific conditions applicable to the Applicant's RMD, the Planning Board shall include the following conditions in any Special Permit granted under this Section:

- a. Hours of Operation, including dispatch of home deliveries.
- b. The Special Permit shall lapse within five years of its issuance. If the permit holder wishes to renew the Special Permit, an application to renew the Special Permit must be submitted at least 120 days prior to the expiration of the Special Permit.
- c. The Special Permit shall be limited to the current Applicant and shall lapse if the permit holder ceases operating the RMD.
- d. The Special Permit shall lapse upon the expiration or termination of the Applicant's registration by DPH.
- e. The permit holder shall provide to the Inspector of Buildings, Chiefs of the Police and Fire Departments, and the Board of Health, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- f. The designated contact person(s) shall notify in writing the Police and Fire Departments, Inspector of Buildings, Board of Health, and the Planning Board within a minimum twelve (12) hours following a violation, a potential violation, or any attempts to violate any applicable law, or any criminal, potential criminal, or attempted criminal activities as a RMD permitted under this Section.

- g. The designated representatives shall file an annual report (annually from the issuance of a Certificate of Occupancy) with the Office of Community Development providing a copy of all current applicable state licenses for the RMD and to demonstrate continued compliance with the conditions of the Special Permit.

6E.8 Exemption from RMD Special Permit Requirement

RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 are not required to obtain a Special Permit, but shall apply for Site Plan Approval pursuant to Section 7.3 of the Zoning By-Law.

6E.9 Severability

If any provision of this Section shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Section shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 6E.1.

or in any way act thereon.

(Submitted by the Planning Board)

In the fall of 2012, Massachusetts voters legalized the sale of marijuana for medical use only. In response, the Town adopted a one year moratorium (expires June 30, 2014) in order for the Department of Public Health to promulgate regulations for licensing of dispensaries. This article seeks to regulate the placement of dispensaries and to mitigate their impacts.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes_____ No_____

ARTICLE 13:

REQUIRE 'AS-BUILT' PLAN SUBMISSION AND APPROVAL

To see if the Town will vote to amend Section 4.1 of the Zoning By-Law, General Requirements, by inserting a new paragraph after the existing paragraph that will require submission and approval of an 'as built' plan to verify that any new building comply with the dimensional regulations contained in Section 4.2 as follows:

4.1 General Requirements

The erection, extension, alteration, or moving of a structure, and the creation or change in size or shape of a lot shall be permitted only in compliance with the intensity and dimensional requirements set forth herein, except as provided at Section 1.5, Non-Conforming Uses and Structures, and in Section 6, Chapter 40A, Massachusetts General Law, and except for lot line changes which create neither additional lots nor increase in nonconformity.

In order to verify that any new construction requiring a plot plan at the time of building permit application complies with the intensity and dimensional requirements set forth herein and any conditions imposed by the SPGA, an 'as-built' plan shall be required. This plan, paid for by the property owner, prepared and stamped by a professional engineer (P.E.), architect or Registered Professional Land Surveyor (RPLS) shall be submitted to the Office of Community Development and approved by the Inspector of Buildings prior to the issuance of a Certificate of Occupancy for that building.

or in any way act thereon.

(Submitted by the Planning Board)

This article seeks to insure that all new construction complies with the Zoning By-Laws.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes_____ No_____

ARTICLE 14: ADDRESS CITIZENS' PETITION FROM 2013 SPECIAL TOWN MEETING

1. To see if the Town will vote to amend Section 1.4 of the Zoning By-Law, Definitions and Abbreviations, by inserting after the definition for 'Dwelling' new definitions for 'Dwelling, Single-Family' and 'Dwelling, Two-Family', as follows:

Section 1.4, Definitions and Abbreviations

Dwelling – A building containing one or more dwelling units separated by side yards from any other structure or structures except accessory buildings.

Dwelling, Single-Family – A single residential building designed for occupancy by one family.

Dwelling, Two-Family – A single residential building designed for occupancy by two families:

➤ **Traditional, Two-Family (Horizontal Style) –**

- Each unit is completely separated by a common horizontal element (i.e., interior floor-ceiling assembly), and
- At least 75% of one dwelling unit must be directly above or below the other, or

➤ **Duplex (Vertical Style) –**

- A structure containing two dwelling units that share a common vertical wall and roof, and
- Each unit has direct access to the outside.

2. To see if the Town will vote to amend Section 1.4 of the Zoning By-Law, Definitions and Abbreviations, by inserting after the definition for 'Swimming Pool' a new definition for 'Townhouse', as follows:

Section 1.4, Definitions and Abbreviations

Swimming Pool – An artificial receptacle capable of containing a body of water, whether in or above ground, or created by artificial means from a natural watercourse, and all appurtenances, equipment, appliances and other facilities for its operation, maintenance or use, used or intended to be used by the owner or tenant thereof and his/her family and by friends invited to use it without payment of any fee, but not including portable or other pools incapable of containing a depth of water exceeding 24 inches at any point.

Townhouse – A one-family dwelling unit, with a private entrance, which is part of a residential structure containing three or more dwelling units that are attached horizontally in a linear arrangement, and having two or three totally exposed walls, depending on the number of units in structure, to be used for access, light, and ventilation.

3. To see if the Town will vote to amend Section 1.5.4 of the Zoning By-Law, Nonconforming Single and Two-Family Residential Structures, by inserting a new paragraph at the beginning of the Section as follows:

1.5.4 Nonconforming Single and Two-Family Residential Structures

In the General Residence Zoning District, as provided in M.G.L. c.40A, §6, pre-existing nonconforming structures may be extended or altered with a Special Permit by the Planning Board, provided that no such extension or alteration shall be permitted unless there is a finding by the Planning Board that such extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Notwithstanding the foregoing, dormers that comply with Section 4.2.2, Linear Requirements, shall be allowed without review by the Planning Board. On lots that do not comply with the minimum area requirements of this Zoning By-Law (including the minimum lot area per dwelling unit), pre-existing nonconforming single and two-family structures may not be voluntarily demolished and reconstructed except in accordance with a Special Permit issued by the Planning Board under Section 6D of this Zoning By-Law.

In all other districts, nonconforming single and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure. The Building Commissioner may issue a Building Permit under the following circumstances:

4. To see if the Town will vote to amend Section 3.3 of the Zoning By-Law, Schedule of Use Regulations, by inserting '(see §6D)', a reference to Section 6D, after the use 'Detached single-family dwelling' and 'Two-family dwelling' and by changing the 'Y' to 'SP' for 'Two-family dwelling' in the GR Districts and as follows:

3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR-A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
Detached single-family dwelling <u>(see §6D)</u>	Y	Y	N	SP	SP	SP	N	N
Two-family dwelling <u>(see §6D)</u>	N	<u>SP</u>	Y	SP	SP	SP	N	N

5. To see if the Town will vote to amend the Zoning By-Law by deleting Section 4.2, Schedule of Dimensional Regulations, in its entirety and replacing it with a new Section 4.2, Schedule of Dimensional Regulations, as follows:

4.2 Schedule of Dimensional Regulations

4.2.1 Area Requirements

	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM LOT AREA PER DWELLING UNIT	MAXIMUM FLOOR AREA RATIO	MAXIMUM LOT COVERAGE	MINIMUM OPEN SPACE
DISTRICTS	SQ. FT.	FEET	SQ. FT./D.U.		% OF LOT	% OF LOT
SR-A	25,000	125	--	--	20%	50%
SR-B	12,000	90	--	--	25%	50%
SR-C	9,000	75	--	--	25%	50%
SR-D	25,000	125	--	--	20%	50%
GR	5,000	50	3,500	--	30%	40%
AH	85,000	100	1,200	--	30%	40%
LB I	--	20	--	1.25	--	--
LB II	--	20	--	1.05	35%	--
LB III	--	20	--	1.05	35%	--
GB	--	20	--	--	--	--
PL	--	--	--	--	--	--

- 1) In the GR District, a minimum lot area of 7,000 square feet and a minimum lot frontage of 70 feet shall exist for a two-family dwelling.
- 2) In the GR District, the Planning Board may grant a Special Permit to modify the minimum lot area per dwelling unit and/or the minimum lot frontage requirements, pursuant to Sections 6D and 7.4 of the Zoning By-Law, provided that the lot size and frontage of the lot on which the two-family dwelling will be constructed has a minimum lot size of 5,000 square feet and a minimum lot frontage of 50 feet.
- 3) In an LBI District, a floor area ratio up to a maximum of 1.5 may be allowed by Special Permit from the Board of Appeals (see §4.4).

4.2.2 Linear Requirements for Residential Districts

RESIDENTIAL DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
SR-A and SR-D					
➤ Dwelling	30	15	40	36	2½
➤ Other	30	15	25	36	2½
SR-B and SR-C					
➤ Dwelling	25	10	30	36	2½
➤ Other	25	10	25	36	2½
GR					
➤ Dwelling	20	10	20	33	2½
➤ Other	20	10	12	33	2½
AH	30	30	30	60	--

A. Setbacks

1. Ornamental features, such as belt courses, chimneys, eaves, gutters, sills, pilasters, or lintels, may project up to two feet into the setback.
2. No building need be set back more than 30% of the depth of the lot in a Single Residence A or D District, 25% of the lot depth in a Single Residence B or C District, nor 20% of the lot depth in a General Residence District, nor more than the average of the setbacks of the buildings on the lots contiguous thereto on either side, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street being counted as though occupied by a building set back at that minimum. However, in no case shall the setback be less than 10 feet in the General Residence District or 15 feet in Single Residence Districts.
3. Notwithstanding the front setback requirement listed in Section 4.2.2, the front setback for the GR District shall not exceed the average of the front setbacks of the buildings on the lots contiguous thereto on either side. A vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at that minimum.
4. Heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the front yard of the lot. The front yard for this provision is defined as the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot.
5. Heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the required side or rear setbacks and not visible from the street or from the adjacent properties.
6. On lots having depth of less than 100 feet, dwelling setback from the rear lot line shall equal not less than 40% of lot depth in the Single Residence A and D Districts, not less

than 30% of lot depth in Single Residence B and C Districts, and not less than 20% of lot depth in General Residence Districts; but in no event shall the rear setback equal less than 25 feet in Single Residence Districts or less than 16 feet in General Residence Districts.

7. In the SR Districts, the Board of Appeals may grant a Special Permit reducing the rear setback requirement of corner lots and other unusually configured lots to not less than the side requirement, taking into consideration the configuration of the lot, and the effect upon the neighboring property.
8. In the GR Districts, on lots having depth of greater than 100 feet, dwelling setback from the rear lot line shall equal 20% of the lot depth.
9. For structures other than dwellings, on lots having depth of less than 100 feet, principal building setback from the rear lot line shall equal not less than 25% of lot depth in Single Residence Districts or 15% of lot depth in General Residence Districts. For accessory buildings, see Section 4.3.5.

B. Height

1. Chimneys, towers and other projections not used for human occupation may exceed the height limitations herein provided that, except for single vertical freestanding tubular antennae; any such projection above the building exceeding 10 feet or 20% of the building height, whichever is greater, shall be allowed by Special Permit only.
2. In the SR Districts, greater height is permitted provided the building setback from each street and lot line exceeds otherwise applicable requirements by 10 feet plus one foot for each foot of excess height, but in no case shall building height exceed 60 feet or 4 stories in height.

4.2.3 Linear Requirements for Commercial Districts

COMMERCIAL DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
LB I	5	6 or None	6 or none	28	2
LB II	10	0	20	32	2
LB III	10	0	20	28	2
GB	5	6 or None	6 or none	36	--
PL	--	--	--	--	--

A. Setbacks

1. Ornamental features, such as belt courses, chimneys, eaves, gutters, sills, pilasters, or lintels, may project up to two feet into the setback.

2. In the LB III Districts, for structures originally built as residences and not adjacent to Residential District, the lesser of the side setback existing as of May 5, 2003, or 10 feet.
3. Adjacent to Residential District, the side and/or rear setback shall be no less than building height or 20 feet, whichever is greater.

B. Height

1. Chimneys, towers and other projections not used for human occupation may exceed the height limitations herein provided that, except for single vertical freestanding tubular antennae; any such projection above the building exceeding 10 feet or 20% of the building height, whichever is greater, shall be allowed by Special Permit only.
2. No more than two stories wholly or partially above grade.
3. In LBI Districts, a maximum building height of up to 32 feet and 3 stories may be allowed by Special Permit from the Board of Appeals, as provided in Section 4.4.

6. To see if the Town will vote to amend Section 4.3.4 of the Zoning By-Law, Exception for Recorded Lots, by deleting the third paragraph and associated criteria, so that the Section reads as follows:

4.3.4 Exception for Recorded Lots

As provided in Section 6 of Chapter 40A, Massachusetts General Law, any increase in the area, frontage, width, or setback requirements of this By-Law shall not apply to a lot to be used for single- and two-family dwellings if at the time of its recording the lot was:

- 1) Not held in common ownership with any adjoining land,
- 2) Conformed to then existing requirements, and
- 3) Had less than the proposed requirement but at least 5,000 square feet of area and 50 feet of frontage.

~~Applicants seeking this exemption shall document to the Building Inspector the lot's eligibility for it, through copies of recorded deeds for that and adjoining properties as of the date of adoption of the requirements not being complied with.~~

~~In addition, in the General Residence District, the separate use of contiguous nonconforming lots for erection of single-family or two-family~~

- ~~1) Conforming at the time any instrument on which it was shown was first recorded in the Registry of Deeds,~~
- ~~2) Contains at least 5,000 square feet of lot area and has 50 feet of frontage, and~~
- ~~3) Is consistent in size and shape with the prevailing pattern in the vicinity.~~

7. To see if the Town will vote to amend the Zoning By-Law by inserting a new Section 6D, Single and Two-Family Dwellings in the General Residence Zoning Districts, after Section 6C, The Oakley Neighborhood Smart Growth Overlay District, as follows:

**Section 6D. Single and Two-family Dwellings
in the General Residence Zoning Districts**

6D.1 Purpose

The purpose of this Section is to promote development of single and two-family dwellings that are compatible with the surrounding built environment.

6D.2 Time Limitation

The provisions of this Section shall expire on the earlier of either June 30, 2018, or until such future time that the Belmont Town Meeting enacts superseding regulations for the General Residence Zoning Districts.

6D.3 Use Regulation and Authority

Single and two-family dwellings in the General Residence Zoning Districts shall require Design and Site Plan Review from the Planning Board, pursuant to this Section and Section 7.3 of this Zoning By-Law.

The Planning Board shall be the Special Permit Granting Authority for all single and two-family dwellings in the General Residence Zoning Districts that require a Special Permit.

6D.4 Performance Standards

- a. Scale of Building. The building shall be sited and constructed in a manner that is consistent with the scale of other structures in the neighborhood through the use of appropriate massing, front setbacks, and other architectural techniques such as variation in detail, form and siting.
- b. Design of Building. The building shall be designed consistent with the prevailing character of buildings in the neighborhood including the use of appropriate materials and other architectural techniques such as style, roof design and pitch, window design, and color. Front doors for each of the dwelling units shall be facing the street and not permitted to face into the side yards. The front door accessing the second unit shall be setback no greater than 25% of the setback of the unit closest to the street.
- c. Height. The height of the building should be compatible with the style and character of the buildings in the surrounding neighborhood.
- d. Proportions. The proportions and relationships of height to width between windows, doors, and other architectural elements should be compatible with the architectural style and character of the surroundings.
- e. Building and Driveway Siting. The building and driveway shall be sited so as to work with the natural topography of the site. Re-grading should be kept to a minimum and shall be in keeping with the general appearance of the neighboring developed areas. The development shall be integrated into the existing terrain and surrounding landscape and shall maximize retention of open space; and, minimize tree, vegetation and soil removal, blasting and grade changes. No more than one curb cut shall be allowed for lots with less than 70' of frontage; except in situations

where the Applicant can demonstrate that the second curb cut is in harmony with the surrounding neighborhood.

- f. Circulation. Walkways, drives and parking shall be safe and convenient and not detract from the use and enjoyment of adjacent properties, sidewalks, and Town streets.
- g. Lighting. Exterior lighting shall be minimized and only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.
- h. Open Space (landscape). The landscape shall be preserved in its natural state by minimizing use of any grade changes and vegetation and soil removal. The open space shall be as extensive as is practicable and the landscape shall be designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties. Reasonable efforts shall be made to save significant trees and enhance the landscaping.
- i. Relation of Structures and Spaces. The relation of a structure to the open space between it and adjoining structures should be compatible with such relations in the surrounding area.
- j. Screening. Objectionable features shall be screened from abutting properties. Consideration shall be given to the need for vegetated buffers. The larger the house, the greater the buffer that will be required.
- k. Drainage. The development shall comply with the Stormwater and Erosion Control Bylaw (General Bylaws Section 60-325). As such, measures shall be incorporated to prevent increased rates of runoff, minimize potential for flooding, and maximize groundwater recharge.
- l. Street Trees. During construction, street trees shall be protected to insure their survival. The number and size of curb cuts shall be minimal to protect the roots of the trees. Construction vehicles and staging areas shall be kept away from the drip line of the trees. Where feasible, the addition of street trees is encouraged.

6D.5 Submission Requirements for Design and Site Plan Review

In addition to the documents required to be submitted pursuant to Section 7.3, each application for Design and Site Plan Review shall be accompanied by ten copies of the following:

- 1. Scale drawings showing proposed architectural elevations and sections,
- 2. A site plan showing property boundaries, existing and proposed grades, the location of all existing and proposed structures, driveways and driveway openings, existing and proposed lighting, existing and proposed landscape features both vegetative and structural.
- 3. Photographs or other readily available data concerning the location and size of structures on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the development under consideration.

The Planning Board may, in its discretion, waive any portions of the submission requirements or request additional information that directly relates to the purpose of this Section or to the Planning Board's evaluation of the applicable standards under Section 6D.4.

6D.6 Special Permit Standards

- a. An application for a Special Permit under this Section shall comply with the procedures and requirements set forth in Section 7.4 of this Zoning By-Law.
- b. Special Permit Standards

Notwithstanding the provisions of Section 7.4.3, a Special Permit shall be issued if, upon submission of all required materials and documents and compliance with the procedures set forth in Section 7.4.4, the Planning Board finds that it is:

- 1) Generally in harmony with the neighborhood; and
- 2) Neither generates excessive traffic, parking, noise or density impacts on the abutters, or creates other detrimental effects on the neighborhood.

Such Special Permit shall be subject to any limitations imposed pursuant to Sections 6D.7 and 7.4.5.

- c. Factors to Consider in Special Permit Decision

In making any Special Permit decision pursuant to this Section, the Planning Board shall consider, in addition to those set forth in Section 7.4, the following:

1. Scale and design of the structure;
2. The siting of the structure and driveway;
3. Walkway, driveway and parking circulation;
4. Exterior lighting;
5. Open Space and screening; and,
6. Drainage.

6D.7 Conditions of Approval

In granting a Special Permit under this Section, the Planning Board may impose such other conditions, safeguards and limitations on time or use that it determines to be appropriate to assure compliance with the applicable criteria set forth in this Section including, but not limited to conditions:

- a. Specifying the required number of on-site parking spaces and their location;
- b. Requiring installation of additional landscaping; and,
- c. Requiring a performance guarantee to insure preservation of street trees.

6D.8 Severability, Conflict with Other By-Laws

- 1) To the extent that a conflict exists between this By-Law and other By-Laws of the Town of Belmont, the more restrictive provisions shall apply.

- 2) If a court of competent jurisdiction holds any provision of this By-Law invalid, the remainder of the By-Law shall not be affected thereby. The invalidity of any section or sections, or parts of any section or sections, of this By-Law shall not affect the validity of the remaining sections or parts of sections or the other By-Laws of the Town of Belmont.

or in any way act thereon.

(Submitted by the Planning Board)

This article seeks to address the Citizens Petitioned Moratorium adopted by the 2013 Special Town Meeting. The purpose of this amendment is to promote new development that is compatible with the surrounding built development.

The Planning Board will report orally on this Article.

Two-thirds vote required for passage.

Yes_____ No_____

ARTICLE 15: FY15 COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY15 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, or to reserve amounts in the Community Preservation Fund for future appropriations, for the administrative expenses of the Community Preservation Committee for FY15; for the acquisition, creation and preservation of open space - including land for recreational use; for the acquisition, preservation, rehabilitation and restoration of historic resources; and for the creation, preservation and support of community housing; or in any way act thereon.

PROJECT FUNDS REQUESTED:

Amount	Project Name	Category	Funding Sources
\$ 8,700	JV Field Irrigation Upgrade	Recreation	Open Space/Recreation
\$165,000	Electrical Upgrade	Community Housing	Community Housing
\$ 66,524	Daniel Butler School Playground Project (Phase II)	Recreation	Open Space/Recreation
\$100,000	Winn Brook Field Renovation	Recreation	Open Space/Recreation
\$375,000	First Time Homebuyer Assistance	Community Housing	Community Housing
\$ 12,000	Belmont Community Moving Image Archive	Historic Resources	Historic Resources

This article is a standard article that appropriates funds to support the operations of the Town's Community Preservation Committee and its approved projects. The Community Preservation Fund receives revenues from a 1.5% property tax surcharge to fund the program. The state provides limited matching grant funds to the Town based on the surcharge collections. The above table includes proposed project appropriations only; appropriations to the reserves for future appropriations, and for administrative expenses, will also be offered by the Community Preservation Committee.

(Submitted by the Community Preservation Committee)

The Warrant Committee, Community Preservation Committee, and Capital Budget Committee will report orally on the article.

Majority vote required for passage.

Yes_____ No_____

ARTICLE 16: FY15 COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS - UNDERWOOD POOL

To see if the Town will vote, pursuant to the recommendation of the Community Preservation Committee, to appropriate from the Community Preservation Fund, a sum of money for the acquisition, creation and preservation of open space, including land for recreational use, as indicated below; or in any way act thereon.

Amount	Project Name	Category	Funding Sources
\$2,000,000	Underwood Pool	Recreation	Open Space/Recreation

This article is to implement the recommendations of the Community Preservation Committee, as presented under Article 15, with regard to the partial funding of the Underwood Pool project from Community Preservation Act funds.

(Submitted by the Community Preservation Committee)

The Warrant Committee, Community Preservation Committee, and Capital Budget Committee will report orally on the article.

Majority vote required for passage.

Yes_____ No_____

ARTICLE 17: UNDERWOOD POOL PROJECT APPROPRIATION BY BORROWING

To see if the Town will vote to appropriate a sum of money to allow the Town of Belmont to borrow a portion of funds for the purpose of Design, Demolition and Reconstruction of the Underwood Pool facility on Cottage Street NOT paid from the Community Preservation Act (CPA) funds; said sum to be raised by borrowing in accordance with Chapter 44 of the General Laws, or in any way act thereon.

This article will provide for a portion of the financing, in addition to the CPA funding, for the construction of the new Underwood Pool. The voters approved the exclusion of the principal and interest on any such borrowing from the levy limit (a “Proposition 2½ debt exclusion”) at the annual town election on April, 2014.

The Warrant Committee and the Capital Budget Committee will report orally on this Article.

Two-thirds vote required for passage.

Yes_____ No_____

ARTICLE 18:**SALARIES OF ELECTED OFFICIALS**

To see if the Town will vote to fix the salary and compensation of each and all the elected officers of the Town, appropriate a sum of money for that purpose, determine how the same shall be raised, or in any way act thereon.

Elected Officials of the Town	Salary
Town Moderator	\$200
Chair of the Board of Selectmen	\$5,000
Selectmen (2)	\$4,500 (each)
Town Clerk	\$82,971
Town Treasurer	\$94,602
Chair of the Board of Assessors	\$3,030
Assessors (2)	\$2,200 (each)

This article fulfills the state law requiring Town Meeting to set the compensation levels and to appropriate the funds necessary for FY15. Please note that Town Meeting establishes and appropriates the compensation of other municipal employees under Article 20.

The Warrant Committee will report orally on this article.

Majority vote required for passage.

Yes____ **No**____

ARTICLE 19: ENTERPRISE FUNDS FOR WATER AND SEWER AND STORMWATER SERVICES

To see if the Town will vote to appropriate a sum of money from the accounts classified as an "Enterprise Fund", pursuant to Chapter 44, Section 53F½ of the General Laws for water service, and for sewer and stormwater service; or in any way act thereon.

This is a standard article to appropriate funds to support the operations of the Town's water and sewer functions from enterprise funds that receive revenues from user fees. Enterprise funds are entirely self-supporting from user fees and do not receive any funding from property taxes.

The Warrant Committee will report orally on this Article.

Majority vote required for passage (two-thirds if borrowing).

Yes____ **No**____

ARTICLE 20:**FY15 BUDGET APPROPRIATION**

To determine what sums of money shall be granted to pay Town expenses for the fiscal year beginning July 1, 2014 and to make the necessary appropriations for the same for the support of schools and for other Town purposes; to determine how the same shall be raised, or in any way act thereon.

This article appropriates the Town's FY15 budget, commencing on July 1. The budget consists of several categories of expenditures, each require a separate vote of Town Meeting. Due to uncertainty regarding the amount of state aid, the budget will be heard at the June sessions of Town Meeting. The Warrant Committee Report contains the budget summary and supporting information in advance of the sessions.

The Warrant Committee will report orally on this Article.

Majority vote required for passage.

Yes____ **No**____

ARTICLE 21: AUTHORIZATION TO TRANSFER BALANCES TO FUND THE FY15 BUDGET

To see if the Town will authorize the transfer of certain balances on the Treasurer's books and Accountant's books, or in any way act thereon.

This article authorizes the transfer of balances from various sources necessary to achieve the Town's financial plan for FY15 (the General Fund Budget).

The Warrant Committee and Capital Budget Committee will report orally on this Article.

Majority vote required for passage. Yes____ No____

**ARTICLE 22: AUTHORIZATION FOR UP-FRONT FUNDS FOR CHAPTER 90
HIGHWAY IMPROVEMENTS**

To see if the Town will vote to raise and appropriate, or transfer from unappropriated available funds in the Treasury, sums of money for the repair, improvement and construction of highways, said money to be used in conjunction with any money which may be allotted by the Commonwealth for the said purposes, authorize the acceptance of such allotment, determine how the money raised and allotted as aforesaid shall be expended under the provisions of Chapter 90 of the General Laws, and acts in amendment thereof and in addition thereto, or in any way act thereon.

This article seeks to appropriate "up-front" funds that will be reimbursed from state highway aid, referred to as Chapter 90. This aid is authorized by the Legislature through state transportation bond issues. The estimated apportionment will be reported prior to the June sessions of Town Meeting. These funds, when supplemented with capital budget funds, will be used for the Town's Pavement Management Program to extend the life of our roadway system. In addition, the Town has used Chapter 90 funds to "leverage" substantial state/federal funding to design major road projects (i.e., Trapelo Road).

The Warrant Committee and Capital Budget Committee will report orally on this Article.

Majority vote required for passage. Yes____ No____

ARTICLE 23: APPROPRIATION OF CAPITAL EXPENDITURES

To see if the Town will vote to appropriate sums of money to purchase public safety equipment, computer equipment (including consulting work), public works equipment and furnishings and equipment for Town facilities, construct public ways, and for building and facility and public works construction, major maintenance and alterations (including design work); to determine whether these appropriations shall be raised by borrowing or otherwise; or in any way act thereon.

This is a standard article to appropriate funds for capital expenditures. While the article is general as to the categories of capital expenditures, the motion will be explicit. The recommendations of the Capital Budget Committee for FY15 capital expenditures will be provided prior to the June session of Town Meeting.

The Warrant Committee and Capital Budget Committee will report orally on this Article.

Majority vote required for passage (two-thirds if borrowing). Yes____ No____

ARTICLE 24: OTHER POST EMPLOYMENT BENEFITS (OPEB) STABILIZATION FUND APPROPRIATION

To see if the Town will vote to appropriate, or transfer from available funds in the Treasury, a sum of money to the Other Post Employment Benefits ("OPEB") Stabilization Fund; and to determine whether the money shall be provided by the tax levy, by transfer from available funds, by transfer from the departmental Enterprise Funds, or by any combination of these methods; or in any way act thereon.

This article seeks to appropriate \$264,882 from available free cash or other available funds for future Town liabilities for Other Post Employment Benefits.

The Warrant Committee will report orally on this Article.

Two-thirds vote required for passage.

Yes____ **No**____

ARTICLE 25: AUTHORIZATION FOR REVOLVING FUNDS

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the General Laws, to establish new revolving funds; to reauthorize revolving funds established under various previous votes of the Town by various Town Departments, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds or to amend the votes under any previously adopted revolving funds, to appropriate a sum of money to fund same, to determine how the money shall be raised or expended; or in any way act thereon.

This article seeks authorization to establish new revolving funds, and to re-authorize existing revolving funds, for certain operations of the Town. These funds allow the expenditure of user fees for program expenses without further Town Meeting appropriation. However, Town Meeting must annually renew these funds.

The Warrant Committee will report orally on this Article.

Majority vote required for passage.

Yes____ **No**____

ARTICLE 26: APPROPRIATION FOR INSURANCE PROCEEDS

To see if the Town will vote to appropriate a sum of money in insurance proceeds to the School Department Building Rental Revolving Account, or in any way act thereon.

This article seeks to appropriate \$50,941.80 from insurance proceeds related to the repair of a burst pipe in the Belmont High School boiler room to reimburse the School Department Rental Account.

The Warrant Committee and Capital Budget Committee will report orally on this Article.

Majority vote required for passage.

Yes____ **No**____

ARTICLE 27:**BELMONT HIGH SCHOOL HVAC BORROWING DE-AUTHORIZATION**

To see if the Town will vote to rescind the unused borrowing authority in the amount of \$57,074 that was appropriated under Article 10 of the June 18, 2007 Annual Town Meeting for the purpose of performing improvements to the Belmont High School HVAC; or in any way act thereon.

This article rescinds the authority to borrow funds that were not needed for improvements to the Belmont High School HVAC. The total authorization was approved for \$1,000,000 on Article 10 of the June 18, 2007 Town Meeting.

The Warrant Committee and Capital Budget Committee will report orally on this Article.

Majority vote required for passage.

Yes____ **No**____




Given under our hands this 7th day of April, 2014.

BELMONT - BOARD OF SELECTMEN

Andrés T. Rojas, Chair



Sami S. Baghdady, Vice Chair



Mark A. Paolillo

A True Copy, Attest



Town Clerk of Belmont, MA